

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1002 be amended to read as follows:

- 1 Page 3, between lines 15 and 16, begin a new paragraph and insert:
- 2 "SECTION 3. IC 6-1.1-18.5-21 IS ADDED TO THE INDIANA
- 3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 4 DECEMBER 15, 2003 (RETROACTIVE)]: (a) **This section applies**
- 5 **only to a municipality for which the municipality's 2004 maximum**
- 6 **permissible ad valorem property tax levy after the enactment of**
- 7 **P.L.1-2004 is less than the municipality's 2004 maximum**
- 8 **permissible ad valorem property tax levy would have been if**
- 9 **P.L.1-2004 had not been enacted.**
- 10 (b) **As used in this section, "department" means the**
- 11 **department of local government finance.**
- 12 (c) **As used in this section, "municipality" has the meaning set**
- 13 **forth in IC 36-1-2-11.**
- 14 (d) **Notwithstanding section 1 of this chapter, for all**
- 15 **computations under section 3 of this chapter, a municipality's**
- 16 **"maximum permissible ad valorem property tax levy for the**
- 17 **preceding calendar year" is the amount determined under this**
- 18 **section and not the amount determined under the definition of**
- 19 **"maximum permissible ad valorem property tax levy for the**
- 20 **preceding calendar year" in section 1 of this chapter.**
- 21 (e) **A municipality's "maximum permissible ad valorem**
- 22 **property tax levy for the preceding calendar year" for purposes of**
- 23 **computing a municipality's 2004 maximum permissible ad valorem**

property tax levy is equal to the amount determined under STEP FIVE of the following formula:

STEP ONE: Determine the municipality's maximum permissible ad valorem property tax levy for 2003 as that levy was determined under section 3 of this chapter before the enactment of P.L.1-2004.

STEP TWO: Determine the municipality's ad valorem property tax levy for 2003, as that levy was determined by the department of local government finance in fixing the municipality's budget, levy, and rate for 2003 under IC 6-1.1-17, and after eliminating the effects of temporary excessive levy appeals and temporary adjustments made to the certified maximum levy for the calendar year immediately preceding the ensuing calendar year, as determined by the department of local government finance.

STEP THREE: Subtract the STEP TWO amount from the STEP ONE amount.

STEP FOUR: Determine an amount equal to one-third (1/3) of the STEP THREE amount.

STEP FIVE: Add the STEP TWO amount and the STEP FOUR amount.

(f) A municipality's "maximum permissible ad valorem property tax levy for the preceding calendar year" for purposes of computing a municipality's 2005 maximum permissible ad valorem property tax levy is equal to the sum of the following:

(1) The municipality's 2004 maximum permissible ad valorem property tax levy, as determined after making the adjustment described in subsection (e).

(2) An amount equal to one-third (1/3) of the subsection (e) STEP THREE amount.

(g) A municipality's "maximum permissible ad valorem property tax levy for the preceding calendar year" for purposes of computing a municipality's 2006 maximum permissible ad valorem property tax levy is equal to the sum of the following:

(1) The municipality's 2005 maximum permissible ad valorem property tax levy, as determined after making the adjustment described in subsection (f).

(2) An amount equal to one-third (1/3) of the subsection (e) STEP THREE amount.

(h) For purposes of computing a municipality's maximum permissible ad valorem property tax levy for 2007 and each year thereafter, a municipality is allowed to use any part of the municipality's 2006 maximum permissible ad valorem property tax

1 levy, as determined after making the adjustment described in
2 subsection (g), that the municipality did not impose as a levy in
3 2006. The department shall make adjustments in the
4 municipality's maximum permissible ad valorem property tax levy
5 for 2007 and each subsequent year, as necessary, until the amount
6 is fully reflected in the levy actually imposed by the municipality.

7 SECTION 4. [EFFECTIVE DECEMBER 15, 2003
8 (RETROACTIVE)] For property taxes first due and payable in
9 2004, the department of local government finance may make the
10 changes under IC 6-1.1-17-16 that are needed to account for the
11 changes in the maximum permissible ad valorem property tax levy
12 made by this act. The requirements of IC 6-1.1-17-16(c),
13 IC 6-1.1-17-16(d), and IC 6-1.1-17-16(h) do not apply to an action
14 under this subsection. The department of local government
15 finance shall certify the results of the changes made under this
16 subsection in the manner provided in IC 6-1.1-17-16(f).".

17 Renumber all SECTIONS consecutively.

(Reference is to HB 1002 as printed January 13, 2004.)

Representative Klinker